

Mineola—D. W. Crow, O. P. Pyle, W. D. Williams, H. C. Geddie, E. L. Bruce, O. A. Lunnell, Geo. A. Cage, E. R. Bruce, Geo. W. Cowan, James L. Ray, Andrew Britton, M. W. Harris, A. D. Beaird.

Quitman—John L. Pogue, Edgar Tharp, D. F. Sutherland, A. D. Jackson.

Yantis—J. H. Seymour, J. H. Kirkpatrick, J. L. Ross.

Alba—J. N. Howard, W. H. Crawford, W. R. Goodwin, R. A. Cain.

Hainesville—T. J. Shaw, G. W. Whitehurst, J. M. Puckett.

Golden—D. W. McQueen, Ed. Vining.

Andrews—J. H. Williams.

Pine Mills—J. E. Burkett.

Stout—E. R. Crane.

Perryville—W. A. Morrison.

Pleasant Grove—R. F. Gibson.

YOUNG COUNTY.

Graham—C. W. Johnson.

ZAPATA COUNTY.

Carrizo—Enrique Vela, Jesus Ramirez Quintanilla, Ezpiridion Flores.

San Ignacio—Regulo Flores, Jose D. Uribe.

Randado—Andres Salinas.

ZAVALA COUNTY.

Batesville—J. W. Right, Geo. Meyers.

FIFTIETH DAY.

Senate Chamber,

Austin, Tex., Friday, March 29, 1901.

Senate met pursuant to adjournment.

President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—25.

Beaty.	Odell.
Davidson of	Paulus.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Dibrell.	Stafford.
Grinnan.	Staples.
Hanger.	Turner.
Harris of Bexar.	Turney.
Harris of Hunt.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Absent—5.

Goss.	Patterson.
James.	Swann.
McGee.	

Absent—Excused.

Neal.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

EXCUSED.

On motion of Senator Potter, Senator Swann was excused from further attendance upon the Senate indefinitely on account of important business.

Senator Odell moved that Senator Patterson be excused from further attendance upon the Senate until Tuesday next on account of important business.

Motion to excuse was lost by the following vote (requiring two-thirds of those present):

Yeas—16.

Grinnan.	Paulus.
Harris of Bexar.	Potter.
Harris of Hunt.	Savage.
James.	Sebastian.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Odell.	Yett.

Nays—9.

Davidson of	Miller.
DeWitt.	Stafford.
Davidson of	Staples.
Galveston.	Turner.
Dibrell.	Turney.
Hanger.	

Absent.

Beaty.	McGee.
Goss.	Patterson.

Absent—Excused.

Neal.	Swann.
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COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, March 27, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 35, being "An Act to fix the venue of suits against railroad corporations or against any assignee, trustee or receiver operating railroads from damages arising from personal injuries resulting in death or otherwise, and to repeal all laws and parts of laws in conflict with the provisions of this act,"

And find the same correctly enrolled, and I have this day, at 11 o'clock a. m.,

presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, March 27, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 17, being "An Act to establish and maintain a four year college course of classical and scientific studies at Prairie View State Normal and Industrial College at Prairie View, Waller county, Texas,"

And find the same correctly enrolled, and I have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

WILSON, Chairman.

BILLS AND RESOLUTIONS.

By Senator Davidson of DeWitt:

Senate bill No. 296, A bill to be entitled "An Act to create a more efficient road system for Karnes county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service; and providing for a reward to be offered for the recapture of an escaped convict, and taxing the said reward and all actual cost of capture and delivery of said convict against said convict, and providing a penalty for the escape of a county convict; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public purposes; and providing the character of work that road commissioners may require of overseers and hands; and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Karnes county, Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Yett:

Senate bill No. 297, A bill to be entitled "An Act to prescribe the times of holding the terms of the district court in the Twenty-sixth and Fifty-third Judicial Districts of Texas, and regulating the issuance of process in said districts."

Read first time, and referred to Committee on Judicial Districts.

The Chair (President Pro Tem. Miller) here declared the morning call concluded.

DEFECT IN ELECTION LAW—COMMUNICATION FROM JUDGE

A. C. ALLEN WITH REFERENCE TO.

The Chair (President Pro Tem. Miller) laid before the Senate and had read the following communication sent to the Senate by Attorney General Bell:

To the Senate and House of Representatives of the State of Texas in Legislature assembled:

Under the provisions of Article 7, Chapter 1, of the Penal Code of Texas, I deem it my duty to call your attention to a defect in Article 192 of the Penal Code of Texas which seeks to provide a punishment for persons who shall do certain things "at an election regulated by this act."

It will be observed this article stands alone and does not show where it came from and the article does not regulate any elections. It can not be read and construed with reference to any of the other articles in Chapter 4, Title 6, of the Penal Code. It is the last provision of Chapter 4, and the articles that precede it come from different acts of different Legislatures, and many of the articles apply to any election.

The offenses attempted to be punished by Article 192 could arise only in elections under the Australian ballot law, for it will be seen that Article 192 of the Penal Code is Section 29 of the Australian ballot law, passed by the Twenty-second Legislature, and approved April 12, 1892. (Acts Twenty-second Legislature, p. 18.) The codifiers in revising the Penal Code have taken it out of the Australian ballot law passed by the Legislature, and have brought it forward in the Penal Code, and as thus brought forward, without explanation or reference to the original act, it seems void for uncertainty. (See Article 6, Penal Code. French vs. State, 14 Ct. App. Crim., 76.)

It will be seen that Article 191, creating misdemeanor offenses at elections under the Australian ballot law, is complete, for it shows where it came from and specifically refers to the act creating the Australian ballot law. There were in the Criminal District Court of Galveston county four indictments based on alleged violations of the election law at the last (November, 1900) election, two of them for misdemeanors were held good as they arose under Article 191.

The other two indictments were for "wilfully altering a ballot cast at an election," etc., and the court felt con-

strained to quash these indictments, for they can arise only under Article 192, and would be felonies.

It is to be observed that it is not a felony to wilfully alter a ballot cast at any election, but it is only a felony to wilfully alter a ballot cast at some particular election, to wit, at an election regulated by this act (see Article 192), and the article as stated regulates no election.

Respectfully submitted,

A. C. ALLEN.

Judge Criminal District Court of Galveston county.

After being read the communication was referred to Judiciary Committee No. 2.

SENATE BILL NO. 164—PENDING ON SECOND READING.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 232, text-book bill) was suspended, and the Senate took up, out of its order,

Senate bill No. 164, A bill to be entitled "An Act relating to fines, forfeitures and penalties due the State of Texas; to provide for securing the payment thereof; to provide for the enforcement thereof against corporations that have been or may hereafter be dissolved, and to provide for the survival of actions and causes of actions therefor."

The Chair (President Pro Tem. Miller) laid the bill before the Senate pending on second reading, action being on the following pending substitute offered by Senator Potter:

SUBSTITUTE SENATE BILL NO. 164.

"Amend the bill by striking out all after the words 'Section 1,' in line 12, page 1, of the printed bill, and inserting the following as substitute for the bill:

"The State of Texas shall have a lien upon all property and asset of whatever nature situated or found in this State of every corporation chartered in and doing business in this State, or which has been granted a permit to do business in this State though chartered in any other State or country, for any penalty, fine, forfeiture, tax or indebtedness of any nature owing the State of Texas by any such corporation. Such lien shall be superior to any other lien except contract liens executed and recorded as provided by law, and labor; mechanics; and other statutory lien, and such lien shall extend to all property of the stockholders, directors, officers, and agents of such corporation not exempt, in all instances where they are liable as such to the State of Texas.

"Sec. 2. The State of Texas may en-

force the lien provided for in the first section of this act upon any property of any such corporation, stockholder, director, officer or agent situated or found within this State in any court of this State where said corporation has or had its general or local office or in any court of Travis county, Texas, having jurisdiction of said cause; and the Attorney General or any county or district attorney of such county or district may bring such suit, and the State shall have a right to the writs of sequestration, injunction or attachment to aid in enforcing its rights created by this act or any other law of this State, against such corporation, and that without bond. And every such action shall be considered an action in rem and jurisdiction fixed accordingly.

"Sec. 3. The dissolution of any corporation, incorporated under the laws of this State, or the cancellation of the right to do business in this State, or forfeiture of such charter or right to do business in this State for any cause or in any manner, or in any State chartering the same, by any corporation, regardless of where it was chartered; or by the State or under its authority or through any of its officers, shall not have the effect to abate any suit, or right of action against such corporation, nor to destroy, release or postpone the lien herein provided, and the provisions of this act shall be construed as cumulative.

"Sec. 4. The near approach of the close of the present session of the Legislature and the importance of this act creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, such rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted."

SENATE BILL NO. 37—FREE CONFERENCE COMMITTEE REQUESTED.

Senator Savage called up from the table where it lay with House amendments,

Senate bill No. 37, A bill to be entitled "An Act to amend Article 3909a, Title LXXXVI, Chapter 7, of the Revised Statutes of 1895, relating to the public school curriculum.

The bill was read, and Senator Savage moved that the Senate do not concur in the following House amendment:

"Amend by striking out all after the word 'Superintendent,' in line 23, page 1. Also by striking out 'mental arithmetic' in lines 18 and 19, page 1."

The motion prevailed, and

SENATE BILL NO. 37—FREE CON-
FERENCE COMMITTEE
APPOINTED.

The Chair (President Pro Tem. Miller) appointed the following committee: Senators Savage, Davidson of Galveston, Paulus, Odell and Wheeler.

SENATE BILL NO. 39—FREE CON-
FERENCE COMMITTEE
REQUESTED.

Senator Savage called up from the table where it lay with House amendments,

Senate bill No. 39, A bill to be entitled "An Act to amend Article 3910, Title LXXXVI, Chapter 7, of the Revised Statutes of the 1895, relating to school days and school months."

The bill was read and Senator Savage moved that the Senate do not concur in the following House amendment:

"Amend by adding the following in line 17, after the word 'days,' 'inclusive of holidays.'

"Amend Article 3910 by adding after the word 'holidays,' in line 22, the words 'except Thanksgiving Day, March 2, April 21.'"

The motion prevailed, and

SENATE BILL NO. 39—FREE CON-
FERENCE COMMITTEE
APPOINTED.

The Chair (President Pro Tem. Miller) appointed the following committee: Senators Savage, Wilson, Wheeler, Staples and Paulus.

FIRST HOUSE MESSAGE.

The following first House message was here delivered to the Senate.

Hall of the House of Representatives,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 347, A bill to be entitled "An Act to incorporate the city of Fort Worth and to grant a new charter to said city."

Also House bill No. 347, A bill to be entitled "An Act to incorporate the City of Austin, to grant it a new charter, and to fix its boundaries."

Also House bill No. 497, A bill to be entitled "An Act to create a more efficient road system for Rusk county, and further defining the duties of county commissioners, and providing for the appointment of road superintendents, and defining their powers and duties. Pro-

39—Senate.

viding for the working of county convicts and delinquent poll tax payers on the public roads of said county; providing for the rewards and penalties for escaped convicts, and providing for the relieving of delinquent poll tax payers from road duty by the payment of three dollars. Providing for the appointment, the duties and powers of road overseers. Prescribing penalties for road overseers and road hands when they fail to comply with the requirements of the law as herein defined. Providing for the summoning of teams and tools with hands, and for penalties upon failure to comply. Providing for the adoption of a system of road working by the commissioners court of said county. Providing for the relieving of road hands from road service upon the payment of four dollars. Providing for the making this law cumulative of the general laws of this State, and in case of conflict this act to govern as to Rusk county, and to repeal all laws in conflict with this act, and providing an emergency," with amendment.

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The Chair (President Pro Tem. Miller) here had read and referred the following House bills (see first House message above):

House bill No. 316, referred to Committee on Towns and City Corporations.

House bill No. 497, referred to Committee on Roads, Bridges and Ferries.

SECOND HOUSE MESSAGE.

The following second House message was here delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 519, A bill to be entitled "An Act to create a more efficient road system for Grayson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of deputy road commissioners; and defining the powers and duties of the commissioners court of said county; and to provide for the manner of trimming hedges along any public road; and fixing a penalty for the violation of this act, and to repeal all laws

in conflict with this act, and declaring an emergency."

Also House bill No. 479, A bill to be entitled "An Act to authorize the city council of the city of town of Lampasas, State of Texas, to extend the limits of said city, and to fix the boundary of the same; to regulate the charges and fix the rates to be charged by all water companies, and electric light companies, and all other corporations or persons engaged other commodities to the public, or engaged in any other public business within the limits of said city or town and occupying the streets and other public places for that purpose, and to prescribe reasonable rules and regulations therefor, and to protect said companies corporations or persons from imposition."

Also House bill No. 484, A bill to be entitled "An Act to authorize the city of Bryan to dispose of certain public grounds within said city."

Also House bill No. 509, A bill to be entitled "An Act to amend Section 22, of Article 22, Title IV, of the Revised Civil Statutes of Texas, relating to judicial districts."

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

IN THE SENATE.

The Chair (President Pro Tem. Miller) had read and referred the following House bills (see second House message above):

House bill No. 519, referred to Committee on Roads, Bridges and Ferries.

House bill No. 479, referred to Committee on Towns and City Corporations.

House bill No. 484, referred to Committee on Towns and City Corporations.

House bill No. 509, referred to Committee on Judicial Districts.

SENATE BILL NO. 164—CONSIDERATION OF RESUMED.

The Senate here resumed consideration of pending business, Senate bill No. 164 (see caption above), the question being on the substitute bill offered by Senator Potter (see under heading above).

The substitute bill was again read and adopted.

Senator Grinnan offered the following amendment:

"Amend by inserting after the word 'State' where it first occurs in Section 3, the following: 'or any other State, territory or nation.'"

Amendment was read and adopted.

Senator Beaty offered the following amendment:

"Amend the substitute bill by adding to Section 1 the following: 'After the word 'law' at end of section, 'Provided,

however, if such lien is evidenced by a judgment of court of this State, an abstract of such judgment shall be first recorded in each county where such corporation shall own or possess real estate in order to fix said lien upon said real estate.'"

Amendment was read and Senator Davidson of DeWitt moved to lay the same on the table.

Motion to table the amendment prevailed by the following vote:

Yeas—13.

Davidson of	Savage.
DeWitt.	Sebastian.
Grinnan.	Stafford.
Harris of Hunt.	Wayland.
James.	Wheeler.
Paulus.	Wilson.
Potter.	Yett.

Nays—8.

Beaty.	Lipscomb.
Davidson of	Lloyd.
Galveston.	Turner.
Hanger.	Turney.
Harris of Bexar.	

Present—Not voting.

Miller.

Absent.

Dibrell.	Odell.
Goss.	Patterson.
Johnson.	Staples.
McGee.	

Absent—Excused.

Neal.

Swann.

Senator Turner offered the following amendment:

"Amend by striking out of Section 2 of the substitute bill the words 'and that without bond,' wherever they appear."

Amendment was read and lost by the following vote:

Yeas—6.

Beaty.	Miller.
Hanger.	Turner.
Harris of Bexar.	Turney.

Nays—15.

Davidson of	Potter.
DeWitt.	Savage.
Grinnan.	Sebastian.
Harris of Hunt.	Stafford.
James.	Wayland.
Lloyd.	Wheeler.
Odell.	Wilson.
Paulus.	Yett.

Present—Not voting.

Lipscomb.

Absent.

Davidson of	Johnson.
Galveston.	McGee.
Dibrell.	Patterson.
Goss.	Staples.

Absent—Excused.

Neal.

Swann.

The bill as substituted was then ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Odell.	

Absent.

Davidson of	Johnson.
Galveston.	McGee.
Dibrell.	Patterson.

Absent—Excused.

Neal.

Swann.

Bill was read third time and passed by the following vote:

Yeas—22.

DeWitt.	Paulus.
Davidson of	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Odell.	

Nays—2.

Beaty.	Turner.
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Absent.

Davidson of	Johnson.
Galveston.	McGee.
Dibrell.	Patterson.

Absent—Excused.

Neal.

Swann.

Senator Grinnan moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 242—MOTION TO RECONSIDER AND SPREAD ON THE JOURNAL.

Senator Goss moved that the Senate reconsider the vote by which

Senate bill No. 242, A bill to be entitled "An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith,"

Was passed, and spread that motion on the Journal.

Motion prevailed, and

SENATE BILL NO. 242—ENGROSSED BILL ORDERED PRINTED IN THE JOURNAL.

Senator Goss moved that the engrossed bill be printed as an appendix to today's Journal.

Motion prevailed.

(For bill see Appendix "A" at end of today's Journal.)

SENATE BILL NO. 242—EXTRA JOURNALS ORDERED.

On motion of Senator Sebastian, three hundred extra copies of today's Journal, containing the engrossed copy of Senate bill No. 242, were ordered from the printer, the same to be for the use of the Senators.

COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 296, being a bill to be entitled "An Act to create a more efficient road system for Karnes county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of the county convicts upon the public roads of said county, and providing for the commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict and taxing the said reward and all actual cost of recapture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for

the condemnation of land for public purposes, and providing the character of work that road commissioners may require of overseers and hands, and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Karnes county, Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

Floor report.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 209, being a bill to be entitled "An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, and road work, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars, and providing for elections for issuance of bonds for bridge purposes, and providing further, making this law cumulative of the General Laws and in case of conflict this act to govern as to Matagorda county, Texas, and creating an emergency,"

And find the same correctly engrossed.

BEATY, Chairman.

HOUSE BILL NO. 49—ON THIRD READING.

On motion of Senator Wilson, the pending order of business, Senate bill No. 232, was suspended, and the Senate took up out of its order

House bill No. 49, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled 'An Act granting to persons who have

been permanently disabled by reason of wounds received while in the service of this State, or the Confederate States, a land certificate for twelve hundred and eighty acres of land,' approved April 9, 1881, and to validate such locations and surveys."

The Chair (President Pro Tem. Miller) laid the bill before the Senate on its third reading.

Bill was read third time and passed.

Senator Wilson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

HOUSE BILL NO. 157—ON SECOND READING.

On motion of Senator Savage, the pending order of business, Senate bill No. 232, was suspended, and the Senate took up, out of its order,

House bill No. 157, A bill to be entitled "An Act to forbid the issuance by any person, firm, association of persons, corporations, or the agents of either, of any ticket, check or writing obligatory, to any servant or employe for labor, redeemable or payable only in goods or merchandise by the said person, firm, association of persons, or corporation, and to provide a penalty for the violation of this act."

The Chair (President Pro Tem. Miller) laid the bill before the Senate on its second reading.

Bill was read second time, with the following committee amendments:

Committee amendment No. 1:

"Amend Section 1 of the bill by adding the following: 'Provided, that this act shall not apply to any person, firm or corporation having a monthly pay day, and whose employes or laborers are paid regularly once a month in current funds of the United States, and whose checks, coupons and writings obligatory, payable in merchandise only, are issued at the instance and request of such laborers or employes made during the current month and before said monthly pay day.'"

Committee amendment No. 2:

"Amend Section 1 of the bill by adding after the word 'America' and before the word 'or,' the following: 'When presented for payment by the person or persons to whom the same was originally issued.'"

Senator Savage called for a division of the committee amendments, and

Committee amendment No. 1 was read and adopted.

Committee amendment No. 2 was read and lost by the following vote:

Yeas—12.

Beaty.	Johnson.
Dibrell.	Miller.
Grinnan.	Paulus.
Hanger.	Turner.
Harris of Bexar.	Turney.
James.	Wayland.

Nays—12.

Davidson of	Savage.
DeWitt.	Sebastian.
Harris of Hunt.	Staples.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Odell.	Yett.
Potter.	

Present—Not voting.

Davidson of
Galveston.

Absent.

Goss.	Patterson.
McGee.	Stafford.

Absent—Excused.

Neal.	Swann.
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Senator Wayland offered the following amendment:

"Amend first committee amendment as follows: 'This act shall not apply to merchants who issue coupon books to tenants working on farms.'"

Amendment was read and adopted by the following vote:

Yeas—17.

Beaty.	Lloyd.
Davidson of	Miller.
DeWitt.	Paulus.
Davidson of	Sebastian.
Galveston.	Turner.
Dibrell.	Turney.
Grinnan.	Wayland.
Hanger.	Wilson.
Harris of Bexar.	Yett.
Lipscomb.	

Nays—6.

Harris of Hunt.	Potter.
James.	Savage.
Odell.	Wheeler.

Absent.

Goss.	Patterson.
Johnson.	Stafford.
McGee.	Staples.

Absent—Excused.

Neal.	Swann.
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Senator Beaty offered the following amendment:

"Amend the bill by striking out the words 'writing obligatory' in Section 1, printed bill, and wherever same appears in the bill."

Amendment was read and lost by the following vote:

Yeas—6.

Beaty.	Paulus.
Davidson of	Turner.
Galveston.	Turney.
Grinnan.	

Nays—18.

Davidson of	Miller.
DeWitt.	Odell.
Goss.	Potter.
Hanger.	Savage.
Harris of Bexar.	Staples.
Harris of Hunt.	Wayland.
James.	Wheeler.
Johnson.	Wilson.
Lipscomb.	Yett.
Lloyd.	

Absent.

Dibrell.	Sebastian.
McGee.	Stafford.
Patterson.	

Absent—Excused.

Neal.	Swann.
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COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred House bill No. 224, A bill to be entitled "An Act to incorporate the city of Galveston, and to grant it a new charter; and to repeal all pre-existing charters.

Have had the same with attached amendments under consideration, and I am instructed to report the same and said amendments back to the Senate with the recommendation that it *do* pass, and the committee requests that the bill and amendments thereto be not printed.

DAVIDSON of Galveston, Chairman.

HOUSE BILL NO. 224—COMMITTEE AMENDMENTS.

No. 1. "Amend by inserting on page 1, line 28, after the word 'corporation,' the words 'or the commerce of the city of Galveston.'"

No. 2. "Amend by inserting on page 5a, line 3, after the word 'appointed,' the words 'and elected.'"

No. 3. "Amend by inserting on page 6, line 15, after the word 'appointed,' the words 'and elected under this act.'"

No. 4. "Amend by striking out on page 6, lines 19 and 20, the words "said commissioners shall qualify as provided by this section within 10 days after their appointment," and insert in lieu thereof the following words: 'Each commissioner appointed by the Governor of the State shall qualify as provided by this

section within 10 days after his appointment, and each commissioner elected under the provisions of this act shall qualify as provided by this section, within 10 days after the delivery to him by the county judge of Galveston county of a certificate of his election."

No. 5. "Amend by striking out on page 7, line 21, the words 'appointment and.'"

No. 6. Amend by striking out on page 7, line 15, the word 'in,' and all the words on lines 16, 17, 18 and 19, and insert in lieu thereof the following words: 'In case of the death, resignation, removal from office, or removal from the territorial limits of said city of either or both of the two commissioners elected, any such vacancy shall be filled in the manner provided by the Constitution of this State for filling vacancies in State or district offices other than members of the Legislature.'"

No. 7. "Amend by inserting on page 8, line 30, after the word 'appointed' the words 'and elected.'"

No. 8. "Amend by inserting on page 10, line 31, after the words 'may be' the word 'by.'"

No. 9. "Amend by inserting on page 12, line 27, after the word 'appointed,' the words 'and elected.'"

No. 10. "Amend by striking out on page 29, line 21, the words 'appointment and.'"

No. 11. "Amend by inserting on page 34, line 21, after the word 'appointed,' the words 'and elected as herein provided.'"

No. 12. "Amend by striking out on page 35, lines 9 and 10, the words 'the Governor of the State shall fill such vacancy by appointment,' and in lieu thereof insert the words 'such vacancy shall be filled in the manner provided in section 10 of this act.'"

No. 13. "Amend by adding on page 54, line 4, after the word 'examination,' the words 'or after a coroner's inquest.'"

No. 14. "Amend by inserting on page 67, line 4, after the word 'appointed,' the words 'and elected.'"

No. 15. "Amend by inserting, page 69, line 12, after the word 'negligence,' the words 'for any injury or injuries to persons or.'"

No. 16. "Amend by striking out on page 70, line 29, the word 'is,' and insert in lieu thereof the word 'are.'"

No. 17. "Amend by striking out on page 80, lines 17 and 18, the words 'that may have been rendered' and the word 'such.'"

No. 18. "Amend by inserting on page 91, line 10, after the word 'appointed' the words 'and elected.'"

No. 19. "Amend by striking out on

page 93, lines 8 and 9, the word 'commissions,' and insert in lieu thereof the word 'commissioners.'"

No. 20. "Amend section 69, page 94, line 26, by inserting after the word payable' the words 'not more than.'"

No. 21. "Amend section 69, page 94, by striking out 'three (3),' and inserting in lieu thereof the words 'not to exceed five (5).'"

No. 22. "Amend section 70, page 95, line 26, by inserting after the words and figures 'Sec. 70.' the following: 'All moneys that may be donated or appropriated by the State of Texas to the city of Galveston shall be applied to and used.'"

No. 23. "Amend section 70, page 95, line 32, by inserting after the words and figures 'No. 69' the word 'and.'"

No. 24. "Amend section 70, page 96, line 5, by striking out the word 'of,' and inserting in lieu thereof the words 'of not to exceed.'"

No. 25. "Amend Section 71, page 96, lines 25 and 26, by striking out the words and figures 'of forty cents.'"

No. 26. "Amend section 71, page 96, lines 15 and 16, by striking out the words and figures 'of 40 cents on the one hundred dollars.'"

No. 27. "Amend by inserting on page 71, line 21, after the words 'legal process' the following words: 'And no writ of mandamus or other process shall lie to compel said commissioners to levy any taxes except as authorized by this act.'"

No. 28. "Amend by striking out on pages 109 and 110, beginning on line 26, page 109, the following words: 'Excepting, however, all legal ordinances, resolutions, or acts heretofore passed by the city council of Galveston, and any provisions of said charter of 1876 and amendments and acts relating thereto providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the city of Galveston, provided, that the rate of taxation hereafter fixed in any ordinance providing for the issuance of refunding bonds shall not exceed the rate levied in the ordinance under which the bonds to be refunded were issued.'"

No. 29. "Amend by inserting on page 110, line 22, after the word 'enacted' the following words: 'Provided, that the commissioners appointed and elected respectively under this act, shall not qualify before the expiration of the present term of office of the present mayor and aldermen of the city of Galveston.'"

No. 30. "Amend by striking out section 67, beginning on page 82, line 10, and inserting in lieu of said section the following: 'Sec. 67. The city of Gal-

veston shall have the power to issue bonds to the amount of not exceeding \$3,100,000.00 of such denomination as the board of commissioners may determine, payable at such time, not to exceed fifty years, as they may determine and as may be agreed to by the holders of such bonds, bearing interest, payable semi-annually, at a rate to be agreed on by the holders of such bonds and the board of commissioners; said interest rate, however, not to exceed five per cent. per annum, but the city of Galveston shall have the right to select by lot as interest coupons on said bonds mature, sufficient of the bonds to retire at not exceeding par, not less than two per cent. per annum of the total bonds outstanding of each issue into the sinking fund thereof. These bonds are to be issued for the purpose of refunding such of the outstanding bond issues of the city of Galveston as are hereinafter specified; that is to say, a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the outstanding forty-year limited debt bonds of 1881; a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the water works street improvement and city hall bonds outstanding; a sufficient number thereof shall be in lieu and instead of the forty-year limited debt bonds of 1891 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds of 1895 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds approved Sept. 8, 1897, outstanding; a sufficient number thereof shall be in lieu and instead of bonds outstanding, issued for the establishment and maintainance of a sewerage system in pursuance of an ordinance of the city of Galveston passed December 16, 1897, and the amendment thereof, passed August 21, 1899.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding twenty cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners of said city of Galveston, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the forty-year limited debt bonds of 1881.

"The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valo-

rem tax not exceeding sixteen and four-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the water works, street improvement and city hall bonds.

"The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding thirty-three cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1891.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding five and five-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1895.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding five cents on the hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the general indebtedness funding bonds of 1897.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax, not exceeding ten cents on the one hundred dollars valuation of all

property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the sewer bonds.

"This act shall not be so construed as to authorize the board of commissioners of the city of Galveston to levy or to assess or to collect any tax in excess of the rates mentioned in this section, for the purpose of paying the interest on, or creating a sinking fund for, any series of either the outstanding bonds or the refunding bonds mentioned in this section.

"Each of said funds so created shall be a special fund for the purposes aforesaid and shall not be drawn upon or diverted for any other purpose, and the city treasurer of said city of Galveston shall honor no drafts upon said fund, except to pay the interest upon, or to redeem the bonds for which each or either of said funds was created under the provisions of this section. All bonds issued as refunding bonds, shall be signed by the president of the board of commissioners and countersigned by the secretary of said board and shall be payable at such place as may be fixed by ordinance of said board of commissioners. It shall be the duty of the president of said board of commissioners, when such bonds are issued, to forward the same to the Comptroller of the State of Texas, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond registered, his certificate of registration.

"Immediately upon the qualification of the commissioners of the city of Galveston to be appointed and elected as provided in this act, or as soon thereafter as practicable, it shall be their duty to make publication of the terms of this funding act; but the passage of this act shall be and is hereby deemed sufficient notice to the holders of the present bonds of the city of Galveston now outstanding.

"The manner of exchange of refunding bonds, their date of issuance, rate of interest, maturity and all other details of the issuance of the new bonds, is hereby left to the board of commissioners under such rules and regulations as a majority of them shall prescribe, not inconsistent with the provisions of this act.

"The acceptance and consumation by any creditor of the exchange of bonds provided by this act, shall of itself oper-

ate to assign and transfer to said municipal corporation, all his rights to and claims against the uncollected taxes, or other assets whatever, of said municipal corporation, including whatever funds there may be, either in bonds, money or other securities, held in either interest or sinking funds of the issue so exchanged or refunded with the right in said municipal corporation to enforce the same, either in its own name or in the name of the creditor; and the funds that may be realized therefrom are to be paid to the treasurer of said municipal corporation, and they are hereby devoted and appropriated to the payment of the present floating debt of the city of Galveston; and after that is paid to go in the general fund for any proper municipal purposes, so far as is not inconsistent with the terms of this act.

"Said board of commissioners shall have the power and it is made their duty from time to time, as they may determine, whenever as much as two thousand dollars shall have accumulated in the sinking fund of any of the proposed series of refunding bonds, to invest the same in bonds of any such series, in bonds of said city of Galveston, in bonds of the State of Texas, or in bonds of the United States, as may be deemed most advantageous by said board; provided, however, that when bonds of any particular series are purchased for the sinking fund of the same series, said bonds shall be canceled and retired. It shall be the duty of said board of commissioners, upon the surrender of any evidence of indebtedness, for which a new bond is to be issued, under the provisions of this act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered, with a punch or by writing across the face thereof, that it is canceled, so that it cannot be again used. All matured interest coupons shall be surrendered with the bonds, and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

"Said board of commissioners shall also keep, or cause to be kept, for and on behalf of the city of Galveston, a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this act, and all the other transactions of such board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said book so required shall be kept safely

among the records of the said city of Galveston.

"No other taxing power whatever, and no taxing power for any other purpose than is set forth in this act, shall be exercised by the board of commissioners of the city of Galveston under this act, and no mandamus or other judicial process shall be issued by any court to require the corporation of the city of Galveston, said board of commissioners or any officer or representative of the city of Galveston to levy any other tax or any other amount or under any other circumstances than as provided by terms of this act.

"That for any violation of the trusts imposed upon the officers or agents of the city of Galveston employed under this act, the same consequences shall follow civilly and criminally, that result from any breach of trust or willful violation of duty imposed by law upon any of the officers of the State of Texas, charged with the discharge of like duties, and for a breach of trust or willful violation of duty in respect thereof, upon conviction, they shall be punished in like manner as is or may be provided by the penal laws of the State of Texas."

THIRD HOUSE MESSAGE.

The following third House message was delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 312, A bill to be entitled "An Act to authorize and create a more efficient system of public roads and bridges for Liberty county, for the issuance of bonds for said county, for the purpose of constructing permanent roads, to authorize the investment of the public school fund of the State and of said county in such bonds, to provide for and limit the expenditures of money arising from the sale of such bonds; to prescribe and define the powers and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county."

Also Senate bill No. 237, A bill to be entitled "An Act to reorganize the Forty-first Judicial District of Texas, to prescribe the time of holding the district court therein, to make the terms of the Forty-fourth Judicial District in El Paso county to conform thereto; to provide for a district attorney for the

Forty-first Judicial District in said El Paso county, and to provide for a clerk of the district court of the Forty-first Judicial District in said El Paso county, and empowering the district court of the Forty-fourth Judicial District to empanel the grand jury for said county, and giving authority to the judges of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts; and to repeal all laws and parts of laws in conflict herewith."

Also Senate bill No. 231, A bill to be entitled "An Act to prescribe the time of holding the terms of the district courts in the Thirty-sixth Judicial District of the State of Texas and the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

Also House bill No. 325, A bill to be entitled "An Act to amend Chapter 168, of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature and approved June 5, 1899, entitled 'A bill to be entitled an act to render more effective and efficient the present road law of the State of Texas in its application and operation in the counties of Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within said counties,' by adding the counties of Jefferson and Bee thereto."

Also Senate bill No. 280, A bill to be entitled "An Act to create a more efficient road system for Harris county in the State of Texas, and authorizing the improvement by the commissioners court of the abutments and approaches to public buildings and the paving of the streets connecting the county public roads with the nearest paved streets, validating a bond election authorizing the issuance of six hundred thousand dollars (\$600,000.00) in bonds for road and bridge purposes. Emergency clause."

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The Chair (President Pro Tem. Miller) had read and referred the following House bills:

House bill No. 312, referred to Committee on Roads, Bridges and Ferries.

House bill No. 325, referred to Committee on Roads, Bridges and Ferries.

FOURTH HOUSE MESSAGE.

The following fourth House message was here delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 378, A bill to be entitled "An Act to create a more efficient road system for Nacogdoches county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the country on the said roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Nacogdoches county; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Nacogdoches county, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-first Legislature, as to Nacogdoches county, and declaring an emergency."

Also House bill No. 383, A bill to be entitled "An Act to amend Article 4953, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to place Jackson and Victoria counties among the exceptions from the operation of the five next preceding articles thereto."

Also House bill No. 360, A bill to be entitled "An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts, and pro-

viding the amount of compensation in road time to be allowed by overseers to road hands for teams, and road work, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars, and providing for elections for issuance of bonds for bridge purposes, and providing further, making this law cumulative of the General Laws and in case of conflict this act to govern as to Matagorda county, Texas, and creating an emergency."

Also House bill No. 434, A bill to be entitled "An Act to amend Section 16, Chapter 80, of the General Laws of Texas, 1899, relating to pay of county commissioners acting as ex-officio road commissioners, and limiting the amount of such compensation."

Also House bill No. 428, A bill to be entitled "An Act to restore and confer upon the county court of King county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Also House bill No. 420, A bill to be entitled An Act to amend Chapter 106, of the General Laws of the Twenty-Sixth Legislature, State of Texas, at its regular session, amending Chapter 65 of an act passed by the Twenty-fifth Legislature at its regular session, said chapter being an act to create a more efficient road system for Red River county, Texas, making county commissioners ex-officio road commissioners and prescribing their duties as such and to provide for their compensation as road commissioners and defining the powers and duties of the commissioners court of said county to provide for working of county convicts on public roads and regulating same, providing for officers' fees in convicting convicts and recapturing county convicts; for summoning teams and tools for road work and compensating for same and providing penalty for violation of this act; and to repeal all laws and parts of laws in conflict with this act."

Also House bill No. 421, A bill to be entitled "An Act to restore and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of the State of Texas, to conform the jurisdiction of the dis-

strict court to such change, and to repeal all laws in conflict with this act, and declaring an emergency."

Also House bill No. 405, A bill to be entitled "An Act to amend Chapter 118, Acts of 1897, providing a more efficient road system for Milam county, Texas," with amendment.

Also House bill No. 349, A bill to be entitled "An Act to amend Chapter 91, of an act passed at the regular session of the Twenty-sixth Legislature, amending Section 13 of said act, the same being a road system for Lamar county, so that Section 13 shall hereafter read as follows."

Also House bill No. 387, A bill to be entitled "An Act to amend and extend the special road law of Wise county, as enacted by the Twenty-fifth Legislature of the State of Texas, so that Sections 6, 12, 13 shall hereafter read as herein provided, and that other sections be added as herein specified."

Also House bill No. 206, A bill to be entitled "An Act to appropriate \$500 to erect a vault for the deposit of the remains of the Mier prisoners."

Also House bill No. 328, A bill to be entitled "An Act to amend Chapter 5, of the Criminal Code of the State of Texas, by adding thereto Article 430b, prohibiting the shooting, hunting or killing of wild ducks, wild geese, or other wild aquatic fowls at night."

Also House bill No. 184, A bill to be entitled "An Act to amend Chapter 36, of the acts of the Twenty-third Legislature, approved March 21, 1893, defining the Fortieth Judicial District, and prescribing the times for holding the courts therein."

Also House bill No. 313, A bill to be entitled "An Act to create a more efficient road system for Panola county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the roads of said county, and providing for the working of insolvent tax payers upon the roads of said county; and to provide for the summoning of teams for road work, and for allowance of time for road service for same, and fixing penalties for violations of this act, and to repeal all laws in conflict with this act as to Panola county," with amendment.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The Chair (President Pro Tem. Mil-

ler) had read and referred the following House bills (see four, the House message above, for caption):

House bill No. 378, referred to Committee on Roads, Bridges and Ferries.

House bill No. 363, referred to Judiciary Committee No. 1.

House bill No. 360, referred to Committee on Roads, Bridges and Ferries.

House bill No. 434, referred to Committee on Roads, Bridges and Ferries.

House bill No. 428, referred to Committee on Judicial Districts.

House bill No. 420, referred to Committee on Roads, Bridges and Ferries.

House bill No. 421, referred to Judiciary Committee No. 1.

House bill No. 405, referred to Committee on Roads, Bridges and Ferries.

House bill No. 349, referred to Committee on Roads, Bridges and Ferries.

House bill No. 387, referred to Committee on Roads, Bridges and Ferries.

House bill No. 206, referred to Committee on Finance.

House bill No. 328, referred to Judiciary Committee No. 2.

House bill No. 184, referred to Committee on Judicial Districts.

House bill No. 313, referred to Committee on Roads, Bridges and Ferries.

HOUSE BILL NO. 157—CONSIDERATION OF RESUMED.

The Senate here resumed consideration of pending business, House bill No. 157 (see caption above), and

Senator Turner offered the following amendment:

"Amend amendment No. 3 by striking out the word 'merchants' and insert in lieu thereof the words, 'persons, firms or corporations,' and by striking out the words 'to tenants working on farms' and insert in lieu thereof the words 'to laborers, servants or employees.'"

Amendment was read, and lost.

FIFTH HOUSE MESSAGE.

The following fifth House message was here delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 147, A bill to be entitled "An Act to exempt the county of Aransas from the provisions and operation of Articles 5002 to 5042, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of 1895, relating to the

inspection of hides and animals," with amendments.

Senate bill No. 144, A bill to be entitled "An Act to reorganize the Twenty-seventh, Thirty-third and Twenty-fifth Judicial Districts; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith," with amendment.

Senate bill No. 58, A bill to be entitled "An Act to prohibit the traffic in examination questions used by the county school boards of examiners or by the summer normal boards of examiners in the examination of teachers, and providing a penalty for the violation thereof," with amendments.

Respectfully,

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 275, being a bill to be entitled "An Act to amend Section 26, Chapter 5, of the General Laws of the State of Texas, passed at the First Called Session of the Twenty-fifth Legislature of the State of Texas, approved June 26, 1897, fixing certain civil fees to be charged by certain county and precinct officers,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, March 28, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 243, being a bill to be entitled "An Act to restore to and confer upon the county courts of Coke and Kimble counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act in so far as it relates to Coke and Kimble counties,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, March 28, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 55, being a bill to be entitled "An Act requiring vaccination in counties where smallpox exists,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, March 28, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 291, being a bill to be entitled "An Act creating a more efficient road system for Brown county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for reward to be offered for the recapture of an escaped county convict; and providing for the trimming of hedges by the owner of land, and providing a penalty for failure to trim hedges; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving them from the payment of said work by the payment of the sum of three dollars; and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Brown county, Texas,"

And find the same correctly engrossed.

BEATY, Chairman.

SENATE BILL NO. 58—HOUSE AMENDMENTS CON- CURRED IN.

Senator Paulus called up from the table, where it lay with House amendments,

Senate bill No. 58, A bill to be entitled "An Act to prohibit the traffic in examination questions used by the county school boards of examiners or by the summer normal boards of examiners in the examination of teachers, and providing a penalty for the violation thereof."

Bill was read, and

On motion of Senator Paulus, the following House amendments:

(1) "Section 2. The fact that the statutes of Texas make no provision to prohibit the traffic in examination questions, and that the most important examination for teachers are held during April, June, July and August of each year, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

(2) "Amend the caption to conform to the amendment just adopted."

Was concurred in by the following vote:

Yeas—26.

Beaty.	Miller.
Davidson of	Odell.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

Absent.

Goss.	Patterson.
McGee.	
Absent—Excused.	
Swann.	Neal.

SENATE BILL NO. 147—HOUSE AMENDMENT CONCUR- RED IN.

Senator Turner called up from the table, where it lay on the table subject to call,

Senate bill No. 147, A bill to be entitled "An Act to exempt the county of Aransas from the provisions and operation of Articles 5002 to 5042, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of 1895, relating to the inspection of hides and animals."

Bill was read, and

On motion of Senator Turner, the following House amendment was concurred in:

"Amend the bill by striking out 'Lipscomb county' and insert 'Hemphill' wherever it occurs."

HOUSE BILL NO. 157—CONSIDERA- TION OF RESUMED.

(Senator Turney in the chair.)

The Senate here resumed consideration of pending business, House bill No. 157, and

Senator Hanger offered the following amendment:

"Amend the bill by adding at the end of Section 2 the following: 'Provided, the provisions of this act shall not apply when the checks which are presented for payment are and have been continuously held by the laborer or person to whom the same was issued in payment for work done or labor performed.'"

Amendment was read, and lost.

HOUSE BILL NO. 157—PREVIOUS QUESTION ORDERED AND PASSED TO A THIRD READING.

Senator Davidson of DeWitt moved the previous question on the passage of the bill to a third reading, which motion being duly seconded, the Chair (Senator Turney) put the question—

Shall the main question be now ordered?

The main question was ordered, and the bill passed to a third reading.

Senator Savage moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The Senate refused to suspend the rule by the following vote:

Yeas—19.

Davidson of	Odell.
DeWitt.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Nays—7.

Beaty.	Hanger.
Davidson of	Johnson.
Galveston.	Paulus.
Dibrell.	Turner.

Absent.

McGee.	Stafford.
Patterson.	
Absent—Excused.	
Neal.	Swann.

Senator Savage moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

Motion to table prevailed.

SIXTH HOUSE MESSAGE.

The following sixth House message was here delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 196, A bill to be entitled "An Act to create a more efficient road system for Falls county, Texas, and making the county commissioners of said county ex-officio road commissioners; prescribing their duties as such; providing for their compensation as road commissioners; providing for the appointment of deputy road commissioners, and defining their duties; for the working of county convicts on the public works of said county; for compensation of said convicts; providing for the condemnation of any land needed for road purposes; providing for annual reports of road commissioners and their deputies; for contracting out work when deemed necessary; and repealing all laws in conflict with this act," with amendments.

Senate bill No. 212, A bill to be entitled "An Act to provide a more efficient public road system for the county of Montgomery."

House bill No. 376, A bill to be entitled "An Act to amend Article 4785a, Chapter 6, Title XCVII, of the Revised Statutes of the State of Texas."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The Chair (Senator Turney) had read and referred the following House bills reported in foregoing sixth House message:

House bill No. 376 referred to Judiciary Committee No. 1.

House bill No. 196 referred to Committee on Roads, Bridges and Ferries.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 242, being a bill to be entitled "An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.
BEATY, Chairman.

RECESS.

On motion of Senator Turner, the Senate recessed until 3 o'clock p. m.

AFTER RECESS.

SUBSTITUTE SENATE BILL NO. 40— PENDING ON SECOND READING.

(President Pro Tem. Miller in the chair.)

On motion of Senator Staples, the pending order of business (Senate bill No. 232) was suspended and the Senate took up, out of its order,

Senate bill No. 40, A bill to be entitled "An Act to provide for the incorporation of loan and building companies."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, pending on its second reading, action being on the following amendment by Senator Harris of Bexar:

"Amend by adding in line 29, page 5, after the word 'act,' the following: 'And provided, that all loan and savings companies heretofore incorporated under the laws of Texas having as much as ten per cent. of their capital stock paid in and fifty per cent. subscribed, shall have and enjoy all the rights and privileges granted to companies incorporated under this act.'"

Amendment was again read, and adopted.

Bill was then ordered engrossed by the following vote:

Yeas—16.

Davidson of	Paulus.
Galveston.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wilson.
Miller.	

Nays—8.

Davidson of	Potter.
DeWitt.	Turney.
Goss.	Wheeler.
James.	Yett.
Odell.	

Absent.

Beaty.	McGee.
Dibrell.	Patterson.
Johnson.	

Absent—Excused.

Neal.

Swann.

On motion of Senator Staples, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Beaty.	Paulus.
Davidson of	Savage.
Galveston.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Turner.
Harris of Bexar.	Wayland.
Harris of Hunt.	Wheeler.
Lipscomb.	Wilson.
Miller.	Yett.
Odell.	

Nays—5.

Davidson of	Lloyd.
DeWitt.	Potter.
James.	Turney.

Absent.

Dibrell.	McGee.
Johnson.	Patterson.

Absent—Excused.

Neal.

Swann.

Bill was read third time, and Senator Odell offered the following amendment:

"Amend by striking out the following: 'On all loans made by companies doing business under this act lawful interest may be charged and collected monthly until the same has been fully liquidated without same being deemed usurious.'"

(Senator Davidson of DeWitt in the chair.)

Amendment was read, and adopted, and

The bill was passed.

Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 312, being a bill to be entitled "An Act to authorize and create a more efficient system of public roads and bridges for Liberty county; for the issuance of bonds for said county for the purpose of constructing permanent

public roads; to authorize the investment of the public school funds of the State and of said county in such bonds; to provide for and limit the expenditure of monies arising from the sale of such bonds; to prescribe and define the power and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 420, being a bill to be entitled "An Act to amend Chapter 106 of the General Laws of the Twenty-sixth Legislature, State of Texas, at its Regular Session, amending Chapter 65 of an act passed by the Twenty-fifth Legislature at its Regular Session, said chapter being 'An Act to create a more efficient road system for Red River county, Texas; making county commissioners ex-officio road commissioners, and prescribing their duties as such; and to provide for their compensation as road commissioners, and defining the powers and duties of the commissioners court of said county; to provide for working of county convicts on public roads, and regulating same; providing for officers' fees in convicting convicts and recapturing county convicts; for summoning teams and tools for road work, and compensating for same; and providing penalty for violation of this act, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 434, being a bill to be entitled "An Act to amend Section 16, Chapter 8p, of the General Laws of Texas, 1899, relative to pay of county commissioners acting as ex-officio road com-

missioners, and limiting the amount of such compensation,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 28, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 325, being a bill to be entitled "An Act to amend Chapter 168 of the General Laws of the State of Texas, passed by the Regular Session of the Twenty-sixth Legislature, and approved June 15, 1899, entitled a bill to be entitled 'An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within said counties,' by adding the counties of Jefferson and Bee thereto,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 286, being a bill to be entitled "An Act to create a more efficient road system for Kerr county, in the State of Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such; and providing that in case of the death, refusal or inability to act by any or all of said county commissioners, then the commissioners court of said county shall appoint some competent citizen to fill such vacancy, and providing for the appointment of road overseers and their duties, and for the working of county convicts on the public roads of said county, and providing for the payment of officers' fees and rewards and penalties for said convicts, and for the working of delinquent poll and insolvent tax-payers on the public roads of said county, and providing for the summoning of hands for road work, and

providing for the appointment of one road superintendent for each precinct for said county, or one for each commissioners precinct in said county, and fixing penalties for the violation of this act,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 519, being a bill to be entitled "An Act to create a more efficient road system for Grayson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of deputy road commissioners; and defining the powers and duties of the commissioners court of said county; and to provide for the manner of trimming hedges along any public road; and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 378, being a bill to be entitled "An Act to create a more efficient road system for Nacogdoches county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows scrapers and wagons; and providing for the condemnation of land for public road pur-

poses; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the country on the said roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Nacogdoches county; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Nacogdoches county, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-first Legislature, as to Nacogdoches county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred House bill No. 484, being a bill to be entitled "An Act to authorize the city of Bryan to dispose of certain public grounds within said city,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* and that the bill be not printed.

Floor report.

DAVIDSON of Galveston, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 360, being a bill to be entitled "An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, and road work, and providing for the condemnation of

land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars, and providing for elections for issuance of bonds for bridge purposes, and providing further, making this law cumulative of the General Laws and in case of conflict this act to govern as to Matagorda county, Texas, and creating an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 387, being a bill to be entitled "An Act to amend and extend the special road law of Wise county, as enacted by the Twenty-fifth Legislature of the State of Texas, so that Sections 6, 12 and 13 shall hereafter read as herein provided, and that other sections be added as herein specified,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 196, being a bill to be entitled "An Act to create a more efficient road system for Falls county, Texas, and making the county commissioners of said county ex-officio road commissioners; prescribing their duties as such; providing for their compensation as road commissioners; providing for the appointment of deputy road commissioners, and defining their duties; for the working of county convicts on the public works of said county; for compensation of said convicts; providing for the condemnation of any land needed for road purposes; providing for annual reports of road commissioners and their deputies; for contracting out work when deemed necessary; and repealing all laws in conflict with this act,"

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 405, being a bill to be entitled "An Act to amend Chapter 118, Acts of 1897, providing a more efficient road system for Milam county, Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 349, being a bill to be entitled "An Act to amend Chapter 91 of an act passed at the Regular Session of the Twenty-sixth Legislature, amending Section 13 of said act, the same being a road system for Lamar county, so that Section 13 shall hereafter read as follows,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 313, being a bill to be entitled "An Act to create a more efficient road system for Panola county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the roads of said county, and providing for the working of insolvent tax payers upon the roads of said county; and to provide for the summoning of teams for road work, and for allowance of time for road service for same, and fixing penalties for viola-

tions of this act, and to repeal all laws in conflict with this act as to Panola county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 497, being a bill to be entitled "An Act to create a more efficient road system for Rusk county, and further defining the duties of county commissioners, and providing for the appointment of road superintendents, and defining their powers and duties. Providing for the working of county convicts and delinquent poll tax payers on the public roads of said county; providing for the rewards and penalties for escaped convicts, and providing for the relieving of delinquent poll tax payers from road duty by the payment of three dollars. Providing for the appointment, the duties and powers of road overseers. Prescribing penalties for road overseers and road hands when they fail to comply with the requirements of the law as herein defined. Providing for the summoning of teams and tools with hands, and for penalties upon failure to comply. Providing for the adoption of a system of road working by the commissioners court of said county. Providing for the relieving of road hands from road service upon the payment of four dollars. Providing for the making this law cumulative of the general laws of this State, and in case of conflict this act to govern as to Rusk county, and to repeal all laws in conflict with this act, and providing an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

MILLER, Chairman.

SEVENTH HOUSE MESSAGE.

The following seventh House message was here delivered to the Senate:

Hall of the House of Representatives.
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has

concurring in Senate amendment to House bill No. 240.

Also that the House has concurred in Senate amendments to House bill No. 433.

Respectfully,
LEE J. ROUNTREE,
Chief Clerk House of Representatives.

SENATE BILL NO. 144—HOUSE
AMENDMENT CONCUR-
RED IN.

Senator Yett called up from the table, where it lay with a House amendment,

Senate bill No. 144, A bill to be entitled "An Act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts, to name the counties composing the same, to fix the terms of holding courts therein, to provide for the extension and return of process issued out of said courts, and to repeal all laws in conflict therewith."

Bill was read, and

On motion of Senator Yett, the Senate concurred in the following House amendment:

"Amend the bill as follows: Strike out the word 'twelfth,' line 29, page 2, and insert in lieu thereof the word 'thirteenth.'"

SENATE BILL NO. 132—ON SECOND
READING.

On motion of Senator Stafford, the pending order of business (Senate bill No. 232) was suspended, and the Senate took up, out of its order,

Senate bill No. 132, A bill to be entitled "An Act to confer authority on the Governor to issue paroles to meritorious convicts, and to make and establish rules to carry the same into effect."

Bill was read second time, and

President Pro Tem. Miller in the chair.)

Senator Savage offered the following amendment:

"In Section 1 strike out lines 9 and 10 to and including the word 'to,' and insert, 'that the Governor may, when so advised by the Board of Pardon Advisors.'"

SENATE BILL NO. 147—RECONSID-
ERATION OF SENATE CONCUR-
RENCE IN HOUSE AMEND-
MENT.

Senator Turner moved that the Senate reconsider the vote by which the House amendment to Senate bill No. 147 (see under heading above) was concurred in.

Motion to reconsider prevailed, and

On further motion of Senator Turner, the Senate refused to concur in the

House amendment, and asked for the appointment of a Free Conference Committee, and

SENATE BILL NO. 147—FREE CON-
FERENCE COMMITTEE
NAMED.

The Chair (President Pro Tem. Miller) named the committee, as follows:

Senators Turner, Stafford, Hanger, Beaty and Odell.

SENATE BILL NO. 81—ON SECOND
READING.

On motion of Senator Davidson of DeWitt, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

Senate bill No. 81, A bill to be entitled "An Act to organize a Board of Pardon Advisors, and more fully define its power and duties."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Turney, the vote by which the bill was ordered engrossed was reconsidered, and

Senator Davidson of DeWitt offered the following amendment:

"Amend by striking out '\$1800' and adding '\$1500' where it occurs."

Amendment was read, and adopted.

Bill was then again ordered engrossed.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Davidson of	Miller.
DeWitt.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wilson.
Lloyd.	Yett.

Present—Not voting.

Beaty.

Absent.

Lipscomb.	Patterson.
McGee.	Wheeler.

Absent—Excused.

Neal.	Swann.
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Bill read third time, and passed by the following vote:

Yeas—24.

Beaty.	Lloyd.
Davidson of	Miller.
DeWitt.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wilson.
Johnson.	Yett.

Present—Not voting.

Wheeler.

Absent.

Lipscomb.	Patterson.
McGee.	Wayland.

Absent—Excused.

Neal.	Swann.
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Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 204—MADE SPECIAL ORDER FOR APRIL 1.

On motion of Senator Beaty,

Senate bill No. 204, A bill to be entitled "An Act granting a right of way of fifty feet in width over all cut over school lands to all tram roads while engaged in hauling logs to saw mills for manufacturing purposes,"

Was laid before the Senate, and made a special order for next Monday, April 1, after the conclusion of the morning call.

SENATE BILL NO. 242—MOTION TO RECONSIDER CALLED UP AND TABLED.

Senator Goss called up his motion made previously (see just before recess) to reconsider the vote by which the Senate passed Senate bill No. 242, and moved that the same be laid on the table.

Motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 12—ON SECOND READING.

On motion of Senator Dibrell, the pending business (Senate bill No. 232) was suspended, and the Senate took up, out of its order,

Senate Concurrent Resolution No. 12, Authorizing and instructing the Secretary of State, with the approval of the Governor, to exchange certain books, pamphlets, journals, reports, statutes and stereotype plates belonging to the

State, in charge of the office of Secretary of State, for copies of the Session Acts, general and special, of the State of Texas, and the laws of the republic bound in law sheep, and by said exchange to provide for the publishing of the Supreme Court Reporter, the reports of the Civil Court and the reports of the Criminal Court of Texas, free to the State and to the public for a price not to exceed \$2.00 a volume for a term of years."

The Chair (President Pro Tem. Miller) laid the resolution before the Senate, on its second reading.

Resolution was read second time, and Senator Dibrell offered the following amendment:

"Amend resolution No. 12, in line 27, Section 1, by striking out the word 'five' and insert in lieu thereof 'twenty.'"

Amendment was read and adopted, and

Senator Dibrell offered the following amendment:

"Amend Concurrent Resolution No. 12, in line 19, Section 1, by striking out the in line 19, Section 1, by striking out the word 'copies' and inserting in lieu thereof the following: 'Sets containing three thousand volumes.'"

Amendment was read, and adopted.

The resolution as amended was then adopted.

Senator Dibrell moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 139—ON THIRD READING.

On motion of Senator Harris of Bexar, the pending business (Senate bill No. 232) was suspended, and the Senate took up, out of its order,

Senate bill No. 139, A bill to be entitled "An Act to amend Article 3917, Revised Statutes, defining the duties of county judges, county, city and town superintendents, county and city treasurers, and treasurers of school boards, and other school officers and teachers in the matter of making reports to the Department of Education, and imposing penalties for the non-performance of these duties."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

Senator Harris of Bexar moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

HOUSE BILLS NOS. 433, 244, 23, 249 AND 64—SIGNED.

The Chair (President Pro Tem. Mil-

ler) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 433, "An Act to amend Subdivision 39, of Article 642, of Chapter 130, of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations.'"

House bill No. 244, "An Act to create a more efficient road system for Leon county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and defining the powers and duties of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts on the public roads of said county; and providing for officers' fees and rewards and penalties for said convicts, and rewards for the capture of escaped convicts; and to provide for the manner of training and maintaining hedges along all public roads; and to provide for the summoning of teams for road work, and for allowance for time of road service for the same; and fixing a penalty for violation of this act, and to repeal all laws in conflict herewith."

House bill No. 23, "An Act to restore to and confer upon the county court of Coke county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State; to conform the jurisdiction of the district court to such change; and to repeal all laws in conflict with the provisions of this act in so far as they relate to Coke county."

House bill No. 249, "An Act to create a more efficient road system for Coryell county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; prescribing the duties of the road overseers; providing for exclusive use of road funds on public roads, and for ordering an election; providing for the payment of a tax by road hands in lieu of working the roads; providing a compensation to be allowed for use of tools and teams on road; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers on the public roads, and relieving them from such work by the payment of three dollars; providing for the amount of money to be paid to hands on road; and providing

further, making this law cumulative of the General Laws of the State, and in case of a conflict this act to govern as to Coryell county, and declaring an emergency."

House bill No. 64, "An Act to provide a more efficient public road system for the county of Hood."

COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,
Austin, Texas, March 29, 1901.

Hon J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 421, being a bill to be entitled "An Act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, but be not printed.

TURNEY, Chairman.

HOUSE BILL NO. 224—GALVESTON CHARTER—SENATE RULE SUSPENDED AND BILL PLACED ON SECOND READING.

On motion of Senator Davidson of Galveston, the pending order of business (Senate bill No. 232) was suspended and the Senate took up, out of its order,

House bill No. 224, A bill to be entitled "An Act to incorporate the city of Galveston, and grant it a new charter, and to repeal all pre-existing charters."

Senator Davidson of Galveston moved that the Senate rule requiring committee reports to lay over for one day be suspended for the purpose of considering House bill No. 224, on its second reading.

Motion to suspend rule prevailed by the following vote:

Yeas—24.

Beaty.	Johnson.
Davidson of Galveston.	Lloyd.
Dibrell.	Miller.
Goss.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
	Turner.

Turney.	Wilson.
Wayland.	Yett.
Wheeler.	
Present—Not voting.	
Davidson of	Odell.
DeWitt.	
Absent.	
Lipscomb.	Patterson.
McGee.	
Absent—Excused.	
Neal.	Swann.

The Chair (President Pro Tem. Miller) then laid the bill before the Senate, on its second reading, with pending committee amendments.

Bill was read second time, and

Senator Davidson of Galveston offered the following amendment to the committee amendments:

"Amend committee amendment No. 29 by striking out the words 'expiration of the present term of office of the present mayor and aldermen of the city of Galveston,' and inserting in lieu thereof the words 'first Monday in June, 1901.'"

(For amendment No. 29 see committee amendments with committee report above.)

Amendment was read, and adopted, and

The committee amendments were read, and adopted (see committee report above).

Bill was then passed to a third reading by the following vote:

Yeas—22.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Nays—3.

Davidson of	Johnson.
DeWitt.	Odell.

Absent.

Grinnan.	Patterson.
McGee.	Wayland.

Absent—Excused.

Neal.	Swann.
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On motion of Senator Davidson of Galveston, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Nays—3.

Davidson of	Johnson.
DeWitt.	Odell.

Absent.

Grinnan.	Patterson.
McGee.	

Absent—Excused.

Neal.	Swann.
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Bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Turner.
Harris of Bexar.	Turney.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Nays—3.

Davidson of	Johnson.
DeWitt.	Odell.

Absent.

McGee.	Patterson.
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Absent—Excused.

Neal.	Swann.
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Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 231—HOUSE AMENDMENT CONCURRED IN.

Senator Turney called up from the table, where it lay with a House amendment,

Senate bill No. 231, A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the Thirty-sixth Judicial District of the State of Texas, and in the Thirty-eighth Judicial District of the State of Texas,

and to repeal all laws and parts of laws in conflict herewith."

On further motion of Senator Turney, the Senate concurred in the following House amendment:

"Amend Senate bill No. 231 by adding after the word 'Monday,' in line 28, page 2, the following: 'After the first Monday.'"

COMMITTEE REPORT.

Committee Room,
Austin, Texas, March 29, 1901.

Hon. J. N. Browning, President of the Senate.

STR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 194, being a bill to be entitled "An Act to establish a State Board of Embalming; defining the duties thereof; to provide for the better protection of health and life; to prevent the spread of contagious diseases; to regulate the practice of embalming, care and disposition of the dead; to provide penalty for the violation thereof, and declaring an emergency."

And find the same correctly engrossed.
BEATY, Chairman.

SENATE BILL NO. 268—ON SECOND READING.

Senator Goss moved that the pending order of business (Senate bill No. 232) be suspended and the Senate take up, out of its order,

Senate bill No. 268, A bill to be entitled "An Act to provide for adopting a uniform system of text-books for use in the public schools of Texas for the term of five years, beginning September 1, 1903, and declaring in what schools said books shall be used."

The motion to suspend pending business prevailed by the following vote:

Yeas—21.

Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Odell.	Yett.

Nays—6.

Beaty.	Hanger.
Davidson of	Johnson.
DeWitt.	Stafford.

Dibrell.

Absent.

McGee. Patterson.

Absent—Excused.

Neal.

Swann.

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and

HOUSE BILL NO. 297—MADE SPECIAL ORDER FOR APRIL 2.

On motion of Senator Hanger, House bill No. 297, A bill to be entitled "An Act to amend Chapter 52, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved March 30, 1899, and entitled 'An Act to authorize the lease of any railroad connecting at the State line, and not exceeding thirty miles in length by any railroad so connecting with the same,' so that the same shall read as follows: 'An Act to authorize the lease of any railroad connecting at the State line, not exceeding one hundred and fifteen miles in length, by any railroad company owning or operating a road so connecting with same.'"

Was laid before the Senate and made a special order for April 2nd, after the conclusion of the morning call.

SENATE BILL NO. 244—ON SECOND READING.

On motion of Senator James, the pending order of business (Senate bill No. 268) was suspended and the Senate took up, out of its order,

Senate bill No. 244, A bill to be entitled "An Act to protect the public grounds of the State of Texas."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Senators Potter, Odell and Wilson: Senate bill No. 298, A bill to be entitled "An Act further regulating the amendment of charters of corporations incorporated for the purpose of constructing, owning, maintaining and operating railroads, and providing for the making of extensions thereof, and branch lines thereof, under and by virtue of such amendments, and regulating the issuance of stocks and bonds to pay for the construction of such extensions and branch lines and terminal facilities, and to prohibit the attachment of liens theretofore existing upon the property of such extensions and branch lines and terminal properties, and to provide the manner

and means of accomplishing such purposes."

Read first time, and referred to Committee on Internal Improvements.

ADJOURNMENT.

Senator Davidson of DeWitt moved that the Senate stand adjourned until 10 o'clock a. m. Saturday, and

Senator Potter moved that the Senate stand adjourned until 10 o'clock a. m. Monday, and

Senator Paulus moved that the Senate stand adjourned until 10 o'clock a. m. Tuesday.

Action recurring on the longest time first, the motion of Senator Paulus was lost.

The motion of Senator Potter then prevailed, and accordingly the Senate, at 5:30 o'clock p. m., adjourned until Monday, April 1, 10 o'clock a. m.

APPENDIX A.

S. B. No. 242.]

[By Goss.

A BILL

TO BE ENTITLED

An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county of the classification and valuation fixed upon each section of land in his county, and in each county attached to it for judicial purposes, and said Commissioner of the General Land Office shall make forthwith a correct and revised list for each county of all the unsold lands therein, and he shall forward the same by registered letter to the county clerk of the county for which said list was made, or to the county clerk of the county to which said county is attached for judicial purposes, and the Commissioner of the General Land Office shall, on application therefor, furnish any citizen a copy of said list for as many counties as applied for, making a reasonable charge for such list or lists, and the Commissioner of the General Land Office shall file the return receipt for said registered letter among the papers of his office and keep the same for future reference; and said Commissioner of the General Land Office shall also notify said clerk of each and every sale as soon as said sales are made. Upon receipt of said list, or any notice required to be given under the provisions of this

act, the county clerk receiving the same shall forthwith file and record said list in a well bound book to be kept for that purpose, and thereafter when notified of the sale of any section of land therein described he shall enter opposite the description of the land so sold the name of purchaser and the date when sold; and the said list so furnished said clerk and said book shall be considered public records and open to public inspection, and it is hereby made the duty of the county clerk to exhibit said book and the records to any person who shall apply to him therefor. For the purpose of furnishing the several counties in this State and the clerks thereof with a revised list of all the unsold lands in this State, as provided in this act, the Commissioner of the General Land Office is hereby authorized to employ two expert clerks at a salary not to exceed one hundred dollars per month each; provided, their services shall be discontinued when said list shall have been made; and provided, the employment shall not exceed four months.

In case any county clerk of any county in this State after the receipt of the list of unsold lands or notices concerning the same, hereinbefore provided to be sent to him by the Commissioner of the General Land Office, shall fail to file, record or exhibit the same as hereinbefore provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

Sec. 2. When any portion of said land has been classified to the satisfaction of the Commissioner of the General Land Office under the provisions of this chapter or other laws, such land shall be subject to sale and lease as provided by law; provided, that all applications to either buy or lease made after the Commissioner of the Land Office furnishes the list of lands provided for in Section 1 of this act, which shall be in the form and of the substance provided by law, and shall be presented to the county clerk of the county in which said land is situated or to which said county is attached for judicial purposes, and if any survey is partly situated in two or more counties then the application may be made to the clerk of either county who has been so furnished by the Commissioner with a list containing such survey. Such clerk shall immediately file and record such application upon the payment to him of the cash payment on such sale or lease, and forward the application to the Commissioner of the General Land Office, who shall receive and file the same as provided by law, and such clerk shall

immediately forward the money so paid to the State Treasurer. All such applications shall take precedence according to the date of filing with such clerk as shown upon the application, and all the public lands of this State belonging to any fund, regardless of the amount and situated in any county, shall be subject to sale or lease as provided by law; provided, that in any case where lands belonging to the school or any other fund shall not have been surveyed and classified, the Commissioner of the General Land Office may have the same so surveyed and classified as provided by law, regardless of the amount of land, or may direct the county or district surveyor to so survey or classify the same in the manner directed by such Commissioner. Upon the application to buy or lease any such unsurveyed land the Commissioner may require the applicant to survey the same and furnish the General Land Office with the field notes of such surveys free of charge to the State, and if such field notes be found correct the Land Commissioner may sell or lease such land as surveyed land upon the field notes so furnished; but this section shall not apply to University lands.

Sec. 3. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this chapter shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if the lands applied for are subject to lease, and not in immediate demand for actual settlement, shall notify the applicant in writing who first files written applications therefor that his proposition to lease is accepted, and thereupon he shall execute to the lessee in the name and by the authority of the State of Texas a lease of said lands for such time as may be agreed upon, and when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance, he shall deliver said lease to the clerk of the county court of the county in which the land is situated, or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book, kept in his office open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease, and the number of years it has to run: and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents. Upon payment of said fee, the clerk shall deliver the

lease to the lessee, and no other record or leases hereafter made shall be required except said memorandum. When any of such leases are filed for record, the clerk shall make the memorandum or abstract above provided for. All lands which may be leased shall be subject to sale at any time except where otherwise provided herein. This provision in regard to the sale of leased lands shall apply to leases heretofore made, as well as those hereafter to be made. Any section or part of a section which may be leased shall not be sold except to the lessee, nor shall the lessee be disturbed in his possession thereof during the term of his lease, when he has placed on such section or part of a section improvements of the value of two hundred dollars.

In the following named counties lands heretofore leased shall not be subject to sale until said leases expire, to wit: Kent, Garza, Lynn, Scurry, Borden, Dawson, Mitchell, Martin, Howard, Coke, Sterling, Glasscock, Tom Green, Irion, Schleicher, Menard, Mason, Nueces, Cameron, Hidalgo, Starr, Zapata, Webb and Duval.

The following counties shall constitute the absolute lease district, to wit: El Paso, Jeff Davis, Presidio, Brewster, Reeves, Pecos, Loving, Winkler, Ward, Yoakum, Terry, Gaines, Andrews, Ector, Midland, Upton, Crane, Crockett, Sutton, Val Verde, Edwards, Kinney, Kimble, Uvalde, Kerr, Bandera, Maverick, Zavala, Dimmit, Frio, La Salle, McMullen, Webb, Duval, Nueces, Zapata, Starr, Hidalgo and Cameron. All tracts of land lying partly inside and partly outside of the absolute lease district shall be considered, for the purpose of sale and lease, as being wholly without said district. Unless otherwise provided herein any land situated in the absolute lease district which may be leased shall not be sold during the term of the lease, except to the original lessee from the State. On the expiration of any lease in the absolute lease district the land shall remain subject to sale for a period of sixty days, except where there are improvements on a section of the value of two hundred dollars or more, and if it has been previously classified and valued by the Commissioner of the General Land Office and notice given to the county clerk, it shall not be necessary to give the clerk any further notice in order to put the land upon the market, but it shall be considered as already on the market and subject to sale. During said period of thirty days the Commissioner of the General Land Office shall suspend action upon any application to lease said land, and shall award

it upon any legal application to purchase made during said time. And the party purchasing under this provision any of said lands situated west of the absolute lease line, if within the enclosure of another, shall be required to fence it with such fence as will prevent the passage of his stock before he is permitted to turn loose any stock thereon; and any violation of this provision shall be an offense, and upon conviction the party so offending shall be fined one dollar for each head of stock so turned loose and each thirty days violation shall constitute a separate offense.

If no application to purchase has been filed in the proper county clerk's office within sixty days after the expiration of the lease, then the former lessee shall have a preference right over anyone else for thirty days thereafter to re-lease such lands or any part thereof. In all cases where the lease is terminated under any of the provisions of this act before the expiration of the term of lease the lessee shall have a pro rata credit upon his next year's rent or the money refunded to him by the Treasurer as he may elect. On the expiration of his lease or its termination under the provisions of law, or by the final judgment of any court of competent jurisdiction, the lessee shall have the right for the period of sixty days to remove any or all improvements he shall have placed upon the leased premises.

No purchaser or other person than the lessee shall be permitted to turn loose within such lessee's enclosure more than one head of horses, mules or cattle, or in lieu thereof four head of sheep or goats, for every fifteen acres of land so purchased, owned or controlled by him and uninclosed. Each violation of the provisions of this act which restrict the number of stock which may be turned loose in such enclosure shall be an offense, and the offender, on conviction, shall be punished by fine of one dollar for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this section shall constitute a separate offense.

The Commissioner of the General Land Office is hereby prohibited from renewing any lease before its expiration, as shown on the face of the original lease contract, and no lease contract shall be canceled, except in cases where the land has been or may be sold as provided by law, or where the lessee fails to pay the annual rental due the State within sixty days from the date it becomes due.

Sec. 4. Any person entitled under the law to purchase school and asylum lands, and who has heretofore leased or may hereafter lease any such lands, or the

assignee of such lessee, shall have the right at any time to purchase any or all sections of lands so leased by him on which there are improvements of a permanent nature of the reasonable market value of five hundred dollars on the same terms as other purchasers of land of like character, except said improvements shall not be estimated in valuing the land, and said purchaser shall not be required to reside upon and improve said land, and said sections so purchased by him need not be situated within a radius of five miles of each other, and in addition to each section on which he has five hundred dollars worth of improvements, he may buy another section on the same terms, and in addition to each section on which he has one thousand dollars worth of improvements he may buy two sections on the same terms; provided, that not exceeding four sections shall be sold to the same purchaser, and the sections on which there are no improvements must be within five miles of the improved section.

Any such lessee, or his assignee, who is holding under lease any of said lands at the time this act takes effect in any of the counties situated south and west of the lease line established by the Act of 1897, and north and east of the absolute lease line established by this act, shall have for ninety days from and after this act takes effect a preference right to purchase any of his leased lands on which there are improvements of a permanent nature of the reasonable market value of five hundred dollars, on the terms and conditions specified in this section.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The importance of the legislation proposed and the crowded condition of the calendar rendering it impossible that this bill can be read on three several days, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

FIFTY-FIRST DAY.

Senate Chamber,
Austin, Tex., Monday, April 1, 1901.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names: